

My name is Lydia Lohrer.

Here is an op-ed I wrote for the Detroit Free Press about this bill.

Unfortunately the inexperienced young person that edited it opted to remove the bill # and the sponsors and simply refer to it as Sean's Law.

I know of a situation in which a four year old child accused a parent of molesting her in a divorce situation. The child said "daddy put his finger in my butt and wiggled it around and it hurt and I cried." Mom asked dad about it. Dad says, "he fell on my finger while I was cleaning his bottom"

Then, mom finds out the Dad has a criminal record involving inappropriate sexual behavior with children.

Judge says doesn't matter and isn't relevant to custody. That if mom brings it up again, she they will go to jail. The judge, in his wisdom, gives both parents get equal parenting time, since aside from his criminal record they are both equally qualified under the law because they're not addicts or alcoholics.

A year later, the child's older sibling, unaware of the nature of the first accusation, witnesses this same act and reports it. The victim is then left in the custody of the alleged abuser for 6 days before being questioned by Child Protective Services.

The Victim denies allegations, and later explains that the abuser said not to discuss what happened.

Because she has made an unsubstantiated allegation, the reporting parent has to fight to maintain her mere 50% custody.

Because most senators are financially secure, they might think that an appellate court hearing might be the answer. In this particular situation, due to costs associated with the protracted litigation, that family had already remortgaged the grandparents home to pay for lawyers. They ran out of resources or recourse.

There must be uniformity in the laws – requiring that history of abuse is relevant and must be considered a factor in parenting time. This is only common sense to you and I, but there is ample evidence that judges do not all have this type of common sense and the repercussions range from traumatic to deadly.

This bill should be passed and grandfathered in so that any children victimized by a lack of consideration might stand a fighting chance.

Local comment

Michigan can improve its child custody rules

By Patrick Bevier and Lydia Lohrer

In a new bill introduced in the Michigan House, state lawmakers have an opportunity to approve ambitious and much-needed changes to the state's 1970 Child Custody Act.

Current child custody law doesn't automatically stop Michigan courts from awarding parenting time and custody to convicted abusers and child sex offenders, or even require abuse be weighed as a significant aspect of decision making. It is up to judges' discretion, and, in some courts, it is not considered at all. If passed, the new law would require the courts to weigh abuse as a substantial factor in custody and parenting time.

The bill is dubbed "Sean's Law" in honor of Sean Michael Sowards, who at 2½ years old was tortured and murdered by his biological mother.

CURRENT LAW DOESN'T STOP COURTS FROM AWARDING PARENTING TIME AND CUSTODY TO CONVICTED ABUSERS AND CHILD SEX OFFENDERS.

Sean's toenails were torn off and his eyes burned out with nail polish drops. Sean's grandmother, Elizabeth Herd, has become an activist in support of legislative changes. The new legislation would also make it easier for a child to testify.

"If this bill were in place, my granddaughter, who was also abused, would have been able to testify. Their mother, a known abuser, would have been locked up sooner and Sean would be alive today," she told us.

New legislation would require courts to apply a best-interest stan-

dard to all adult residents residing in a home. As it stands, a parent whose ex-partner dates or marries predators must continue to send their precious offspring into intimate proximity of danger or risk penalties, including loss of custody. You would think that the proposed standard would be a no-brainer for any judge, but because current law doesn't apply best-interest standards to anyone but the biological parent, it isn't. This bill would change that scenario.

Sean's Law also clarifies some Friend of the Court policies. The first



Patrick Bevier and Lydia Lohrer

page of its handbook prioritizes children having both parents in their lives. This sounds good on paper, but in some situations courts disregard legitimate abuse history in the quest to keep children united with both parents. The Friend of the Court tends to treat abuse allegations as ploys for one parent to gain an advantage. In 2011, more than 32,000 Michigan children experienced child abuse, according to state figures. It's unlikely this abuse rate suddenly

drops to zero when divorce proceedings commence. One of the benefits of this bill is that abuse factors would receive more consistent consideration by judges.

Sean's Law has the rare agreement of Republicans and Democrats. It addresses some of the failures within the court system, and will allow Michigan's smallest victims to have a voice. This approach provides more uniform, better defined guidelines for child custody and parenting time than the ones we have now. Sean's Law shines a broad beam of hope that this Legislature actually might get it done, and do it right, at least for the kids.

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